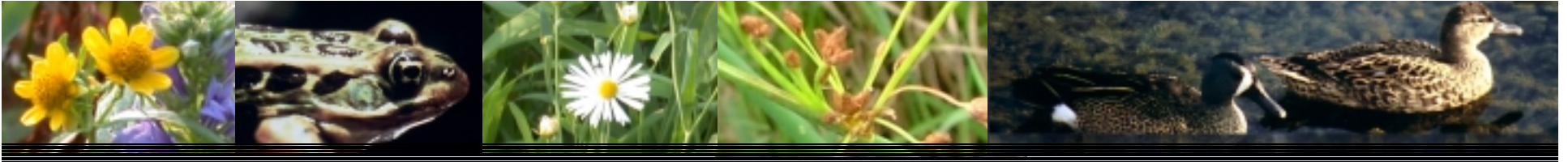


# Wisconsin Wetland Compensatory Mitigation

November 18, 2005



Background on State of Wisconsin  
Wetland Compensatory Mitigation



**Julia Wilcox**

**Mitigation Specialist**

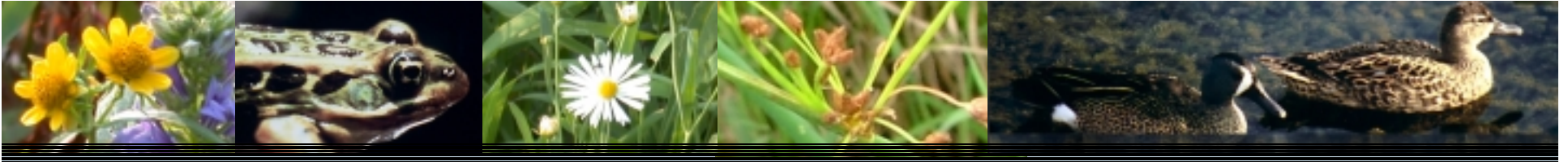
**Lakes & Wetlands Section**

**Bureau of Fisheries Management & Habitat  
Protection**

**Wisconsin Department of Natural Resources**

**Julia.Wilcox@dnr.state.wi.us**

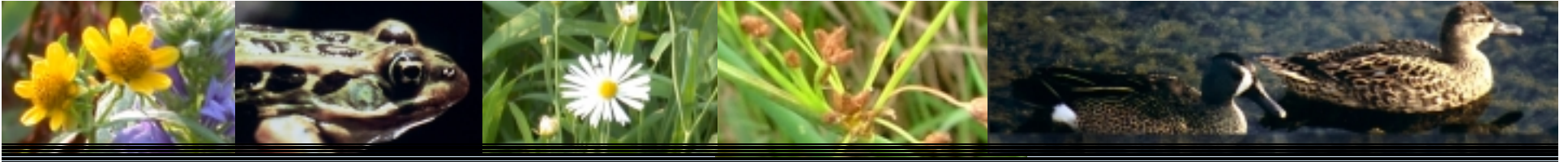
**608-266-8117**



## Definition of Compensatory Mitigation

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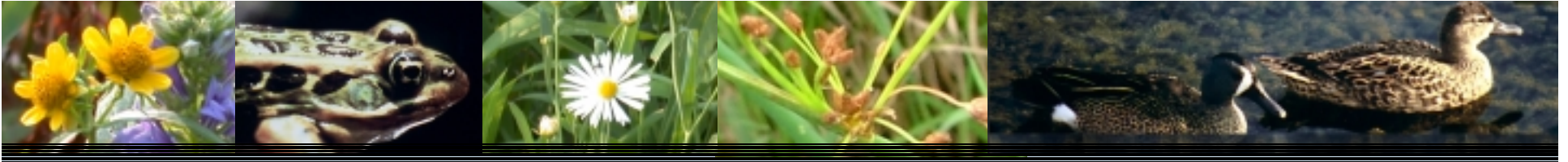
“The restoration, enhancement, or creation of wetlands expressly for the purpose of compensating for unavoidable adverse impacts that remain after all appropriate and practicable avoidance and minimization has been achieved”



## Origins of Wetland Mitigation

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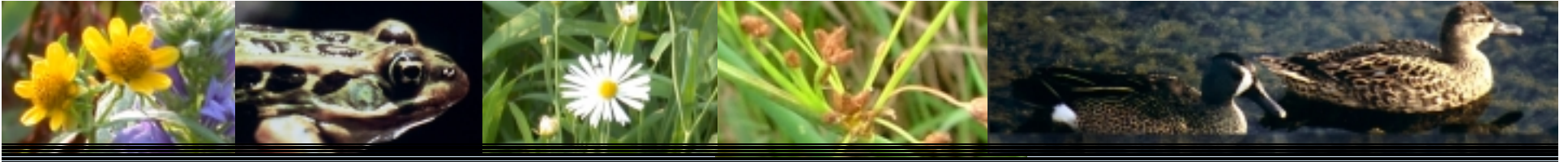
- Requirement in the federal wetland permit process since the early 1990s
- Prior to Act 147, the state process under NR 103 mirrored the federal process *with the exception of a compensation step*



# Wisconsin Wetland Mitigation Law

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- Bill passed unanimously in May 2000
- Act 147 created ss. 281.37, Wis. Stats.
- Required DNR to write rules for a process for considering compensatory mitigation in permit decisions—revised NR 103
- Required DNR to write rules for mitigation projects and banking— NR 350

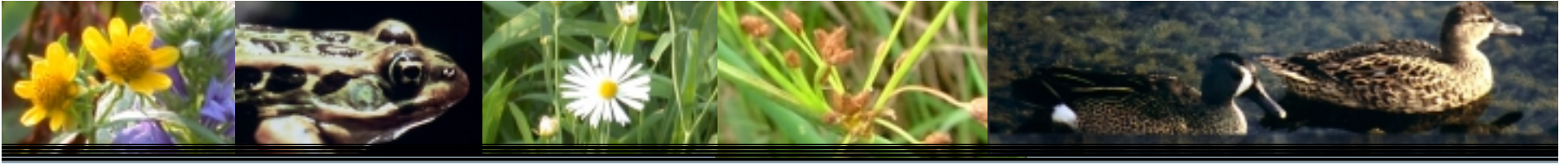


## Role of Mitigation in Wetland Regulatory Decisions

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- NR 103 addresses how and when DNR will consider mitigation in decisions
- NR 350 explains what is required when an applicant proposes mitigation

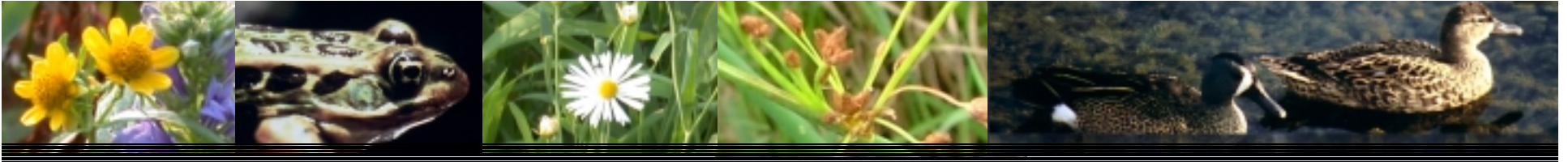




## NR 350-The Mitigation Rules

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- Went into effect in February 2002
- Based on *Guidelines for Wetland Compensatory Mitigation in Wisconsin*-- a work effort of the mitigation advisory committee
- NR 350 and the *Guidelines* are the subject of an August 2002 MOA among the state and federal agencies



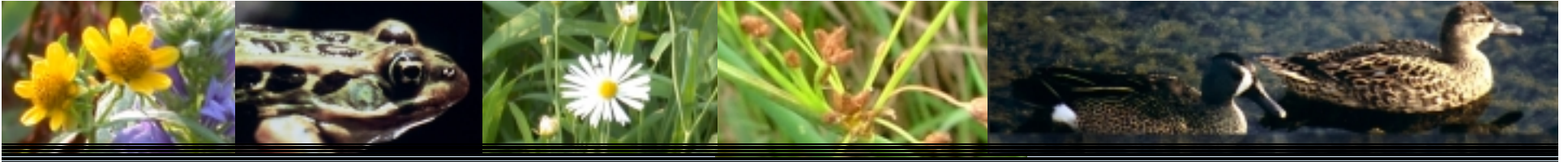
## Federal vs. State process

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- Corps requires mitigation for wetland fills over 10,000 ft<sup>2</sup>
- DNR can *consider* mitigation in certain circumstances
- DNR has jurisdiction over isolated wetlands
- May have to work with just Corps, just DNR, or both

**Both Corps and DNR review and approve mitigation plans according to the *Guidelines***

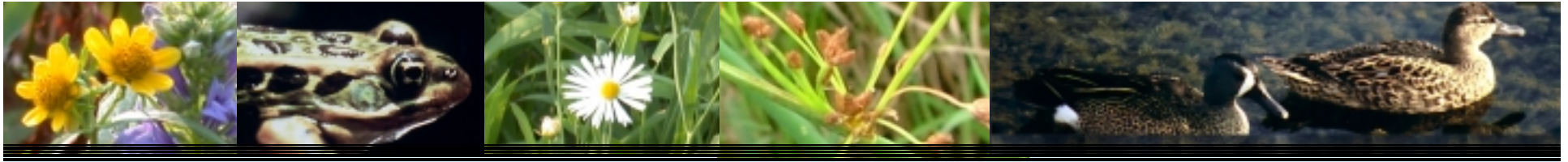




## Where can I find more information about wetland mitigation in Wisconsin?

DNR mitigation website:  
<http://www.dnr.state.wi.us/org/water/fhp/wetlands/mitigation/index.shtml>

The screenshot shows the Wisconsin Department of Natural Resources website. At the top, there is a logo with a stylized 'W' and the text 'Wisconsin Department of Natural Resources'. To the right of the logo is a search bar with the text 'Search Site...' and a 'Search' button. Below the search bar is a navigation menu with links: 'Home', 'About', 'A-Z Index', 'Contact', and 'News & Events'. The main content area is titled 'Wetland Compensatory Mitigation' and contains the following text: 'Welcome to the Wisconsin DNR's Wetland Compensatory Mitigation page! The collection of links below refers to general information and resources on Compensatory Wetland Mitigation. If you need more information or have questions that are not answered here, please contact [Pat Trochelle](#) (608-267-2453) or [Julia Wilcox](#) (608-266-8117). **NEW!** A new [training workshop for consultants](#) will be held on Friday, November 18, 2005. General Information and Guidelines'. On the left side of the page, there is a sidebar with the title 'Wetland Compensatory Mitigation' and a list of links: 'Frequently Asked Questions', 'Applicant Guidance', 'Applicant's Checklist', 'Compensation Site Plan', 'Understanding the NR 103 Decision Process', 'Mitigation Bank Registry', and 'Training for Consultants'. At the bottom of the sidebar is the text 'Wisconsin Wetlands'.



# Where can I find more information about wetland mitigation in Wisconsin?

Website includes current information on State mitigation approvals

The screenshot shows the Wisconsin Department of Natural Resources website. At the top, there is a search bar with the text "Search Site..." and a "Search" button. Below the search bar is a navigation menu with links: Home, About, A-Z Index, Contact, and News & Events. The main content area is titled "Wetland Compensatory Mitigation: Current Reporting Information". Under this title, there is a section for "Number of Proposals" which states: "From February 2002 to September 2005, DNR approved 47 proposals that included compensatory mitigation. Table 1 shows that most of the mitigation proposals resulted in purchase of bank credits. We have also approved three new mitigation banks since 2002, and five others are in the review process." Below this text is a table titled "Table 1: Mitigation decisions from February 2002 to September 2005". The table has two columns: "Mitigation Decision" and "Number of proposals". The first row shows "Approved On-site Mitigation" with a value of 18.

**Wetland Compensatory Mitigation**

- Frequently Asked Questions
- Applicant Guidance
- Applicant's Checklist
- Compensation Site Plan
- Understanding the NR 103 Decision Process
- Mitigation Bank Registry
- Training for Consultants

**Wisconsin Wetlands**

- What's New

**Wetland Compensatory Mitigation: Current Reporting Information**

**Number of Proposals**

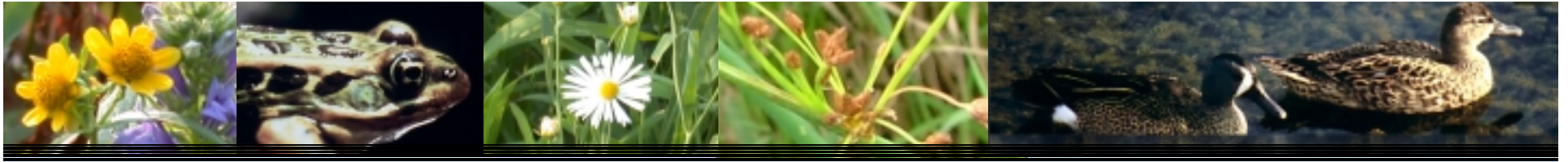
From February 2002 to September 2005, DNR approved 47 proposals that included compensatory mitigation. Table 1 shows that most of the mitigation proposals resulted in purchase of bank credits. We have also approved three new mitigation banks since 2002, and five others are in the review process.

**Table 1: Mitigation decisions from February 2002 to September 2005**

Mitigation Decision	Number of proposals
Approved On-site Mitigation	18



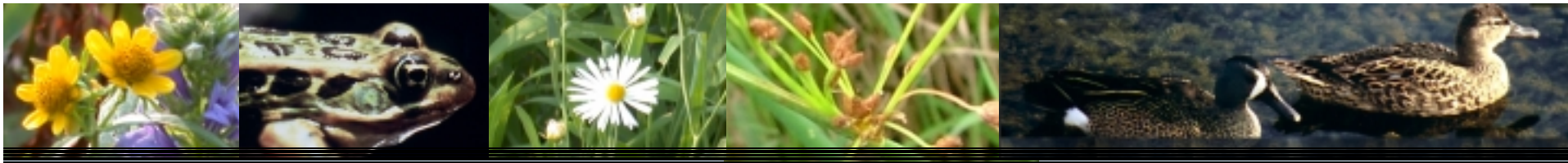




## Average size of approved wetland impacts associated with mitigation proposals

Type of Mitigation approved	Total Wetland Acres Lost	Average Acreage Lost Per Permit	Range of Wetland Impact Acreage Per Permit
On/Off Site Mitigation	23.5	1.3	0.07-14.3
Bank Mitigation	18.6	0.6	0.01-2.7
Total Mitigation Acres	42.1	0.9	0.01-14.3

A total of 24.4 acres of credit have been purchased from mitigation banks as a result of the state program.

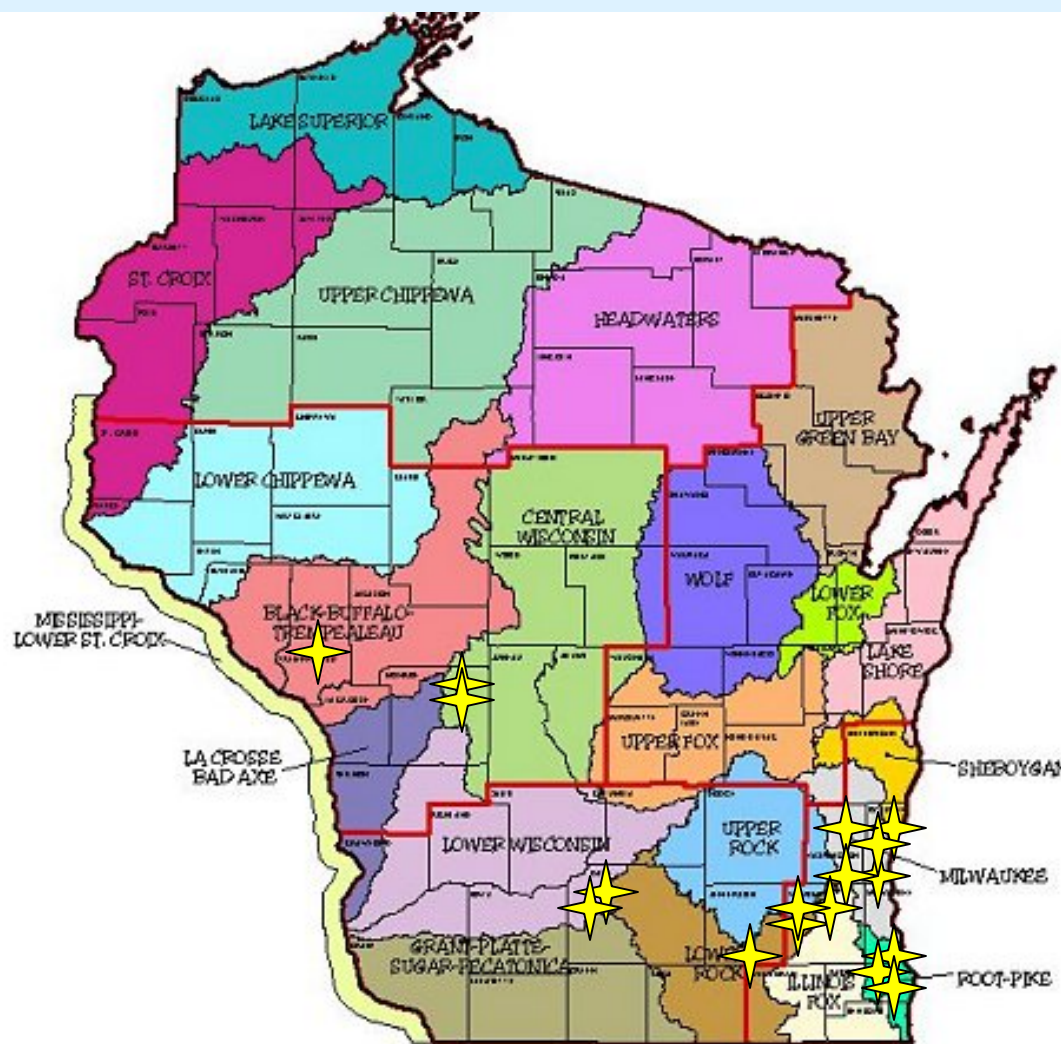


## Locations where on or off-site mitigation projects are being constructed

**17** total  
approved  
projects

**14** on-  
site

**3** off-site

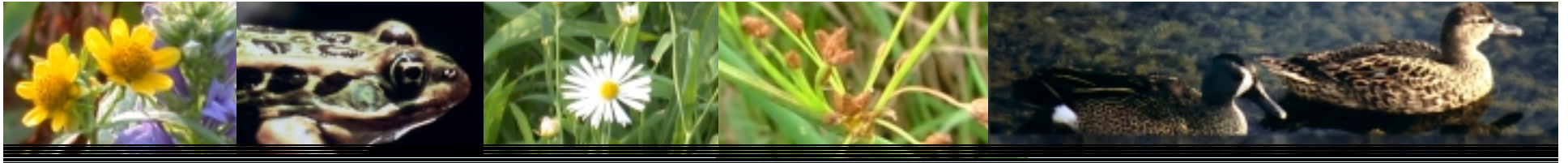


**5** in 2<sup>nd</sup>  
year of  
monitoring

**6** in 1<sup>st</sup>  
year of  
monitoring

**6** still  
under con-  
struction

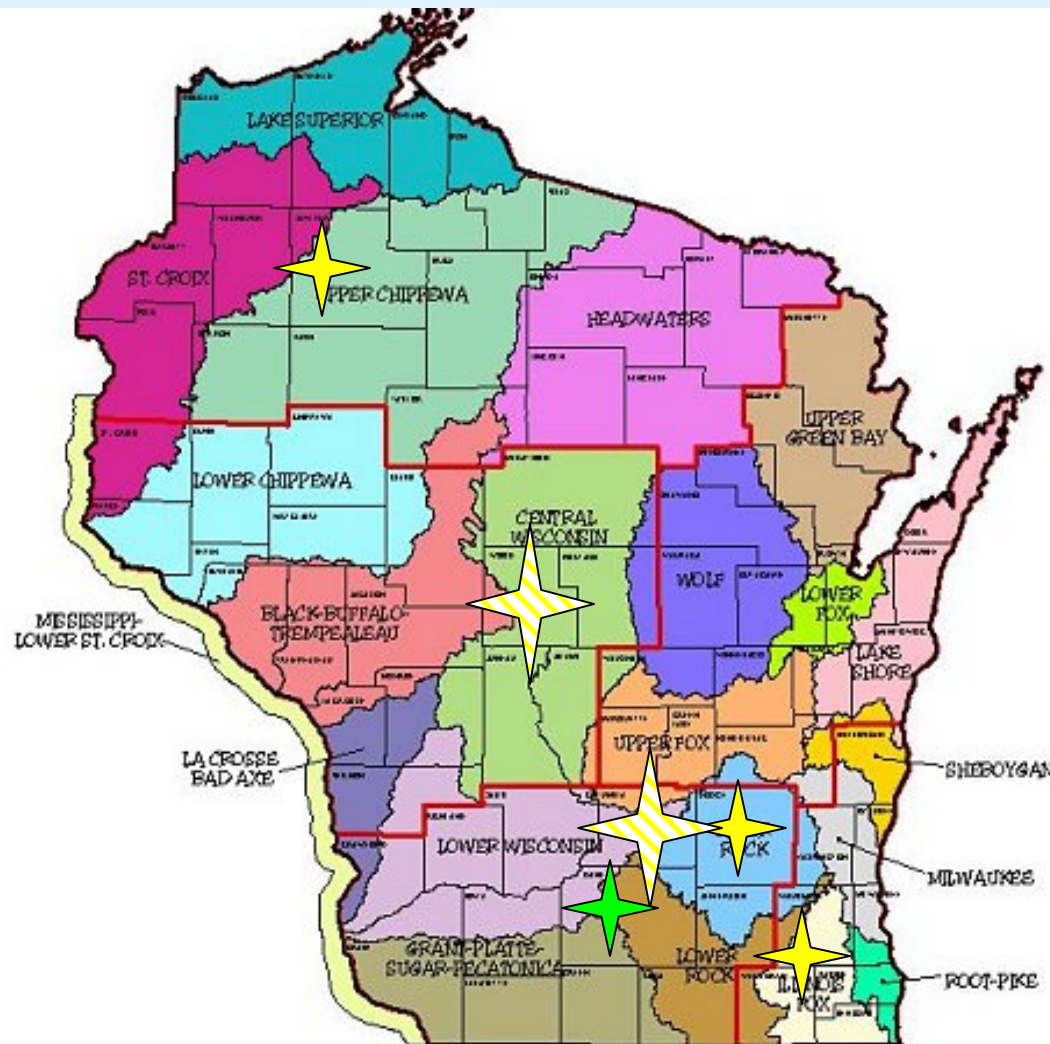




# Location of Mitigation Banks

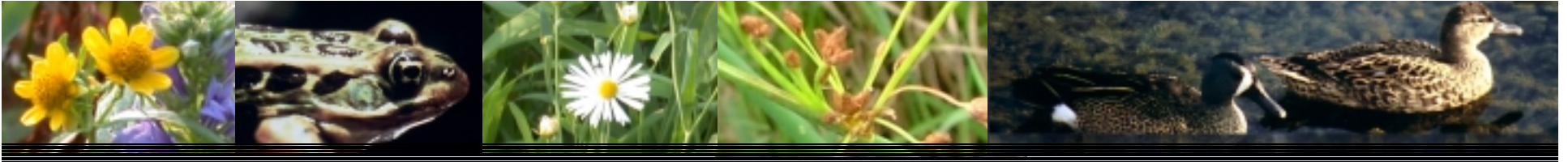
**6** total  
banks

**2** "grand-  
fathered"  
banks



**1**  
county  
bank

**3** new  
banks  
approved  
since  
2002



# Questions?

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